

# SENATE BILL REPORT

## SHB 2541

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As of February 17, 2012

**Title:** An act relating to sealing juvenile records.

**Brief Description:** Concerning the sealing of juvenile records.

**Sponsors:** House Committee on Early Learning & Human Services (originally sponsored by Representatives Darneille, Dickerson, Jinkins, Roberts, Appleton, Kagi and Kenney).

**Brief History:** Passed House: 2/09/12, 97-0.

**Committee Activity:** Human Services & Corrections: 2/17/12.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Jennifer Strus (786-7316)

**Background:** A court may defer the disposition of a juvenile charged with a crime as long as the juvenile is not charged with a sex or violent offense; does not have a criminal history that includes any felony; does not have a prior deferred disposition or deferred adjudication; or does not have two or more adjudications. The court may continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. The juvenile must agree to the deferred disposition. Any juvenile granted a deferral of disposition must be placed under community supervision. The court may impose any supervision conditions that it deems appropriate. Payment of restitution is a condition of supervision.

At the conclusion of the one-year period, or longer period if extended by the court, and after the court finds that the juvenile has complied with the conditions of supervision and paid all restitution, the juvenile's conviction is to be vacated and the court is to dismiss the case with prejudice. Records of deferred disposition cases that have been vacated must be sealed no later than 30 days after the juvenile turns 18, as long as the juvenile does not have any charges pending at that time.

**Summary of Bill:** Any time a court vacates a deferred disposition conviction, if the juvenile is 18 years or older, the court must enter a written order sealing the case. If the court vacates a conviction in a deferred disposition case in which the juvenile is not yet 18, the court must schedule an administrative sealing hearing to take place no later than 30 days after the juvenile turns 18, after which the court must enter an order sealing the case. The juvenile does not need to be present at the administrative sealing hearing.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Any deferred disposition that is vacated prior to the effective date of the bill cannot be sealed pursuant to the administrative hearing provisions.

If a person, 18 years or older, files a motion to seal a previously vacated deferred disposition, the court must grant the motion.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill clears up a problem that exists in current law and is a well thought through bill. This bill could be strengthened by adding the confidentiality provisions of SB 6292. In states that keep juvenile records confidential there has been no decrease in safety as a result. There have been two recent Supreme Court rulings that have held that juvenile court records are different than adult court records so there are no constitutional issues with the provisions of SB 6292.

**Persons Testifying:** PRO: Casey Trupin, Columbia Legal Services; Rowland Thompson, Allied Daily Newspapers.